

ORAL ARGUMENT NOT YET SCHEDULED

No. 20-5052

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

In re RPM International, Inc.,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court
for the District of Columbia (Case No. 16-1803)
The Honorable Amy Berman Jackson, United States District Judge, Presiding

**NOTICE OF INTENT OF THE CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA AND THE
ASSOCIATION OF CORPORATE COUNSEL TO FILE BRIEF
AS *AMICI CURIAE* IN SUPPORT OF PETITIONER**

Steven P. Lehotsky
Jonathan Urick
U.S. Chamber Litigation Center
1615 H Street, NW
Washington, DC 20062
Phone: 202.659.6000

*Counsel for the Chamber
of Commerce of the
United States of America*

Jeremy C. Marwell
Joshua S. Johnson
Vinson & Elkins LLP
2200 Pennsylvania Avenue, NW
Suite 500 West
Washington, DC 20037
Phone: 202.639.6507
Email: jmarwell@velaw.com

Counsel for Amici Curiae

March 19, 2020

Additional Counsel Listed on Inside Cover

Susanna McDonald
Mary Blatch
Association of Corporate Counsel
1001 G Street NW, Suite 300W
Washington, DC 20001
Phone: 202.293.4103

*Counsel for Association
of Corporate Counsel*

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, *amici curiae* make the following disclosures:

The Chamber of Commerce of the United States (the “Chamber”) is a nonprofit corporation representing the interest of more than three million businesses of all sizes, sectors, and regions. The Chamber has no parent corporation, and no publicly held company owns 10% or more of its stock.

The Association of Corporate Counsel (“ACC”) is the leading global bar association that promotes the common professional and business interests of in-house counsel. ACC has no parent corporation, and no publicly held company owns 10% or more of its stock.

Date: March 19, 2020

/s/ Jeremy C. Marwell

Jeremy C. Marwell
Vinson & Elkins LLP
2200 Pennsylvania Avenue, NW
Suite 500 West
Washington, DC 20037
Phone: 202.639.6507
Email: jmarwell@velaw.com

Counsel for *Amici Curiae*

NOTICE OF INTENT TO FILE BRIEF AS *AMICI CURIAE*

Pursuant to Federal Rule of Appellate Procedure 29(a) and D.C. Circuit Rule 29(b), the Chamber of Commerce of the United States of America and the Association of Corporate Counsel (together, “*amici*”) hereby notify the Court of their intention to file a brief as *amici curiae* in support of Petitioner RPM International, Inc. All parties have consented to the filing of this brief.

The Chamber of Commerce of the United States of America (the “Chamber”) is the world’s largest business federation. The Chamber represents approximately 300,000 direct members and indirectly represents the interests of more than three million companies and professional organizations of every size, in every industry, from every region of the country. The Chamber regularly files *amicus curiae* briefs in cases raising issues of concern to the nation’s business community, including issues related to how businesses structure and conduct internal investigations, and how the attorney-client privilege and work-product protections apply to communications and materials prepared during such investigations.

The Association of Corporate Counsel (“ACC”) is the leading global bar association that promotes the common professional and business interests of in-house counsel. ACC has more than 45,000 members who practice in the legal departments of corporations, associations, and other organizations in the United States and abroad. For over 35 years, ACC has sought to aid courts, legislatures,

regulators, and other law- or policy-making bodies in understanding the role and concerns of in-house counsel. A frequent topic of ACC's advocacy is the attorney-client privilege in the corporate context.

Amici intend to file a brief that will explain, among other things, why the District Court's holdings are legally erroneous and why those holdings will have adverse effects on American businesses if they are permitted to stand. *Amici* respectfully submit that the brief will assist the Court in its disposition of this case. *See* Fed. R. App. P. 29(a)(3)(B).

Amici are not currently aware of other *amicus* briefs expected to cover the same issues, and *amici*'s interests as leading business and trade associations are significantly different from the interests of other entities that may wish to appear as *amici curiae*.

This notice is timely filed under D.C. Circuit Rule 29(b). In accordance with D.C. Circuit Rule 29(c), *amici* intend to file their brief on March 19, 2020.

Date: March 19, 2020

Respectfully submitted,

/s/ Jeremy C. Marwell

Steven P. Lehotsky
Jonathan Urick
U.S. Chamber Litigation Center
1615 H Street, NW
Washington, DC 20062
Phone: 202.659.6000

*Counsel for the Chamber of
Commerce of the United States*

Jeremy C. Marwell
Joshua S. Johnson
Vinson & Elkins LLP
2200 Pennsylvania Avenue, NW
Suite 500 West
Washington, DC 20037
Phone: 202.639.6507
Email: jmarwell@velaw.com

Counsel for Amici Curiae

Susanna McDonald
Mary Blatch
Association of Corporate Counsel
1001 G Street NW, Suite 300W
Washington, DC 20001
Phone: 202.293.4103

*Counsel for Association
of Corporate Counsel*

CERTIFICATE OF SERVICE

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure, I hereby certify that, on March 19, 2020, I electronically filed the foregoing *Notice of Intent of the Chamber of Commerce of the United States of America and the Association of Corporate Counsel to File Brief as Amici Curiae in Support of Petitioner* with the Clerk of the Court for the U.S. Court of Appeals for the D.C. Circuit using the appellate CM/ECF system, and served copies of the foregoing via the Court's CM/ECF system on all ECF-registered counsel.

/s/ Jeremy C. Marwell

Jeremy C. Marwell

Vinson & Elkins LLP

2200 Pennsylvania Avenue, NW

Suite 500 West

Washington, DC 20037

Phone: 202.639.6507

Email: jmarwell@velaw.com

Counsel for *Amici Curiae*